



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 21, 2004

Date of Meeting: October 27, 2003

The Mayor and Council of the city of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona, at 7:34 p.m., on Monday, October 27, 2003, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra
Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup
Kathleen S. Detrick

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Vice Mayor Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor
City Clerk

Absent/Excused:

None

Staff Members Present:

James Keene
Mike Letcher

City Manager
Deputy City Manager

Michael House

City Attorney

Dana DeLong
Denise Gonzales
Cecilia Sotomayor

City Clerk's Office
Recording Secretary
Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Mark Pederson, Centro Cristiano Esperanza of A Foursquare Church, after which the pledge of allegiance was presented by the entire assembly and was led by Cub Scouts Den 6, Pack 211.

Proclamations

Mayor Walkup proclaimed the week of October 20 through 26 as Arizona Cities and Towns Week. Mary Okoye, director of intergovernmental affairs, accepted the proclamation.

Mayor Walkup proclaimed the month of October as Disabilities Awareness Month. The proclamation was accepted by the chair of the Commission on Disabilities Issues.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 551, dated October 27, 2003, would be received into and made a part of the record. He also announced that this was the time for any member of the council to report on current events and asked if there were any reports.

A. Opening of Mountain Avenue

Council Member Dunbar said her ward celebrated the opening of Mountain Avenue on Sunday, October 26. They had a marvelous parade with about 75 children dressed in costumes, the Salpointe High School Band, and the mayor. They had a great time and she thanked the transportation department and other city staff who worked on the event.

B. Landfill Tour

Council Member West said last Saturday's landfill tour consisted of a stalwart group of about 40 people. She wanted to stress that people should not put plastic bags in the blue barrels. They can cause the equipment at the recycling center to be down for as long as five hours. The recycling crews would appreciate it if people would take their plastic bags back to the grocery store.

C. Thanks to League of Women Voters

Council Member West, thanked the League of Women Voters for facilitating the town hall meeting on the transportation initiative last week at her office. She had some pamphlets for anyone who wanted them.

Mayor Walkup asked if there were any other reports. There were none.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's report number 552, dated October 27, 2003, would be received into and made a part of the record. He also announced that this was the time for the city manager to report on current events and asked for his report.

A. Alarm Ordinance

James Keene, city manager, said the Tucson Metropolitan Chamber of Commerce is working in conjunction with the Tucson Police Department, local alarm companies, and neighborhood representatives to make a workable alarm ordinance in a follow up to the policy changes. The alarm advisory task force meets on alternating Saturday mornings at 10:00 a.m. in the boardroom of the chamber offices at 465 W. St. Mary's Road. The next scheduled meetings would be held on November 8, November 22, and December 6, 2003. Ramon Gaanderse, manager of governmental affairs for the chamber could be contacted for more information.

B. Court Technology Conference

Mr. Keene said Associate Presiding Judge Antonio Riojas would be presenting to about 2,000 attendees at the court technology conference at Kansas City, Mo., this week, on programs relating to public compliance and accountability with court orders carrying fines or fees. Tucson is the first court in Arizona to implement the new fare program which is the fines, fees, and restitution enforcement programs that Tucson City Court recently implemented that has allowed them to recapture a lot in fines and fees.

C. "In Motion" Program

The transportation department is featured in a new show on Tucson 12 called "In Motion", which began airing last week. The first episode features a behind the scenes look at the transportation department, a story on the future of Houghton Road, the Broadway northeast Neighborhood Back to Basics Project and a Walk to School Day.

D. Storefront on West Congress Street

A great party took place downtown at the Storefront on West Congress Street for the icehouse lofts Friday night. A lot of people were there as were a couple of council offices. Fifty-one lofts are being built in the old icehouse. It is a really neat picture of what is around the corner for downtown with the kind of people who are interested in and buying the lofts. Over thirty of the lofts are already been sold.

E. Association of Police Chiefs Conference Award

Mr. Keene said at the International Association of Police Chiefs Conference that was held in Philadelphia last week the Tucson Police Department was recognized as being one of seven finalists for a national award for its Cop Link Project. The award recognizes innovative projects in such areas as community policing, crime prevention, state of the art technology, et cetera. It is the most prestigious and coveted award given by the International Association of Chiefs of Police for quality in law enforcement. He congratulated Chief Miranda and his department.

F. Center for Digital Government in Government Technologies Award

Another recognition was given by the Center for Digital Government in Government Technologies "Best Of" Awards in state and local government. Eleven cities were acknowledged, one of which was Tucson, again for the Cop Link Program, which

represents the best of city and county intergovernmental technology based of innovation and enterprise-wide applications in delivering public services. He congratulated the police department for its use of technology.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS (continued)

Mayor Walkup recognized Vice Mayor Scott.

Vice Mayor Scott acknowledged a group of international students from the University of Arizona who were present to observe Tucson's city government in action. The students were from China, Turkey, Germany, the Ukraine, and other various countries.

5. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the audience was allowed to address the mayor and council on any issue that was not on the agenda. He also announced that speakers would be limited to three-minute presentations and said he had received a number of written requests from people wishing to speak, so he was going to limit this item to not more than thirty minutes. There would be another call to the audience at the end of the meeting. He reiterated that speakers were allowed to speak on any item that was not scheduled on the agenda and asked those who wished to speak to agenda items to wait for that particular item.

A. Public Housing Policy Regarding Service Animals

Lisa DeLong, no address given, said she was not properly informed of a past public hearing on the city's housing policy for 2003, so she was speaking at this meeting. Her seeing-eye dog had been attacked in a public housing development by an unlicensed, unvaccinated animal. She was told that if she did not sign the document, that as a service animal policy she could be evicted. She thought the mayor and council needed to revisit the housing policy on service animals in public housing. There was a specific statement in the document, line number three, where the renter had to promise that his or her dog would not be a health or safety hazard to anyone else, but there were pets in public housing units that were unlicensed and unvaccinated. She was told that if she didn't sign the document she could be evicted and she was not even getting her medical deductions. Common sense would be that the city allows dog food, but it only allows veterinarian bills and special equipment for seeing-eye dogs. With unvaccinated animals, the veterinarian bills will be very high. She has a dog that has suffered damage and had photographs if anyone wished to see them. She did not know who to hold responsible except the mayor and council and some of the housing administrators, because the policy they had approved clearly violated the rights of people with service animals, making it harder for disabled people to live in public housing.

B. Crime and Dogs

Mardi Hadfield, noted the police department had received awards for crime fighting, but every morning when she woke up and turned on the news she saw where another shooting had happened or another body had been found. She was unable to go out in her wheelchair with her dog without being attacked. The city was not safe and

she did not see where the crime fighting was happening. The person who owned the dog that attacked Ms. DeLong's dog has been cited for being unlicensed and unvaccinated, but not for the bite. Ms. Hadfield noted that a rabid bat had been found in the city. Luckily, Ms. DeLong's dog is licensed and vaccinated, but what about the next dog that is bitten. Maybe it won't be and maybe the city will have a rabies epidemic on its hands. What's right is right and it does not matter if it was a dog on dog bite. It could still pass rabies and the council needed to do something about it.

C. Mayor and Council Responsibilities

Elezabeth Cameron, said she was speaking about the obligations of the mayor and council to the community. One of the things Ms. Hadfield and Ms. DeLong talked about were the promises that were made to the community. Where did a citizen stand when the mayor and council passed an ordinance, any ordinance, and promised to review that ordinance and then did not or they promised that things would revert to the way they should be if an ordinance did not work? What was a person supposed to do? They had come to the council on many occasions about issues. She had been coming to the council about flooding in her neighborhood for four and a half years and still nothing had been done. Where were the obligations of the mayor and council to the individual in the community?

Ms. Cameron said the council was responsible for letting citizens know what was happening at the council meetings. The *City Page* needed to be brought back; people needed to know what is on the agenda, when hearings and meetings would be held. Those were things citizens needed to know and that was a responsibility of the mayor and council. She was totally appalled with the negative campaigning that had been taking place. When things like light rail, major construction, and bonds are approved, who votes on them? The citizens do. The citizens go to the polls and vote. The city presents things, but the people vote. The mayor and council could be blamed when people vote or do not vote. It was the citizens' obligation if they do not like the job the council was doing to remember their vote.

D. Construction Deficiencies of La Reforma Housing

Sean Arce, said he lives in the La Reforma Subdivision and thanked Council Members Leal and Ibarra for their continued support of working families. He was made aware at the last meeting of the mayor and council that five of its members, including the mayor, voted not to put the La Reforma Subdivision disaster on this agenda. The occupants are becoming sick due to exposure to mold. Given the structural deficiencies throughout the homes and the mold found in the homes it was criminal that the mayor and council had not attended to and accommodated the residents in a timely manner. He and his neighbors are homeowners and taxpayers; working class families that did not deserve the condescending, stonewall approach by the city. Three years of patience and correspondence with the city had brought them to this situation. Emily Nottingham, community services director, had the luxury and audacity to see no emergency in the current situation because she and her family are not forced to live in a mold-infested, substandard home. The community services department and the city continued to stand behind the substandard work.

Mr. Arce suggested that it was time the mayor and council stood behind the families, the voters, and taxpayers that they had sworn to serve. The people bought the homes in good faith and all the city of Tucson had given them ill will. All they wanted is justice and a healthy environment in which to raise their children. They were devastated by the toxic mold results that have forced their families to be displaced for more than a month. They were paying mortgages on new homes that were built in the name of working families, in the name of urban renewal, yet the houses were built in a substandard fashion. He has two small children who cry to go home every night. He, his children and his wife need to be home, especially during the holidays, which were rapidly approaching. Their quality of life had greatly diminished due to these unforeseen circumstances. He said the city was obligated to provide them with a safe, functional home immediately.

The literature found in the Arizona Department of Health Services and the Center for Disease Control is replete with recommendations to vacate a home and immediately provide remediation if a mold problem exists. Despite those recommendations, the city of Tucson had failed to act on behalf of the families. They would not return to their homes until the city did the remediation. Mr. Arce said this had been a great injustice to the people who, through no fault of their own, purchased substandard homes from the city of Tucson that had now resulted in a health hazard. It was the responsibility of the city of Tucson to accommodate all residents in the La Reforma Subdivision in a safe alternative setting until the inspections were complete and until all renovations and repairs to structural and drainage issues had been resolved. Since the families had been greatly inconvenienced, it was his hope that the city of Tucson had the compassion and concern to allow for the accommodations that needed to be made. Some of the members of the mayor and council advocated for urban revitalization and historical preservation of the barrios, but what about the residents of those barrios and the advocating and preservation of those who lived in the barrios.

Nicole Gonzales, in La Reforma, said they brought this issue to Karen Thoreson, director of community services, in November of 2000. Since then, they have gotten nothing but lip service, lies, and the runaround from her and her staff. The chief architect, Joe Comella, treated the residents very unprofessionally, like they did not know what they were talking about and they have asked that they not have to deal with him. They were before the mayor and council because they want justice for their families and safety. The issue was one of public health, comparable to the rupture in the gasoline pipeline. The council reacted to that and the La Reforma situation the same. It dealt with mold infested homes and people should not be forced to live in them. The city needed to do remediation. She asked what the mayor and council was going to do for them.

Council Member West asked the city manager to explain why the issue was delayed.

James Keene, city manager, pointed out that this item was for public comment, so neither staff nor the mayor and council could respond. He could get a copy of the October 14, 2003, memorandum from the director of community services. She was present and had heard everything that had been said. He said he would be glad to respond to specific questions from the mayor and council regarding the memorandum of October 14, not at this time, but in the future.

Mayor Walkup said the call to the audience item should proceed and then the issues regarding La Reforma could be addressed. He asked if anyone else wished to address the council.

E. Political Campaigns

Robert Reus, said he would pick up where he left off two weeks ago. The so-called "Independent People Like You" group had been advertising on billboards, sending mail, and running radio campaigns. They apparently were Republicans and if anyone doubted that one of the names on the list of contributors was Richard Dunbar, husband of one of the council members, for \$500. Mr. Reus said it was a Republican organization, no one could deny that. He objected to the use of billboards because the sign ordinance tries to control billboards. Every council member who was running for reelection knows better than to put up billboards because that flies in the face of the sign ordinance. He suggested that "Independent People Like You" needed to rethink their policy as far as billboards were concerned because it did not portend well, if their candidates win, for the city's sign ordinance. Mr. Reus said he had campaign contribution reports for two candidates, Armando Rios, who had taken \$35,567.99 in matching funds as of the last filing, and Mayor Walkup who had taken \$59,690.98.

In return for the matching funds the candidates agreed to limit their spending. However, the parallel campaigns are doing the slash and burn attack campaigning for them. He had three options for the two candidates. They could give back the money and spend as much as they want in trying to buy the campaign. The only thing he asked was that they do it openly and honestly, and put their names on it, which was not happening. They could hold a press conference and denounce the "Independent People Like You" group and demand that they stop, which is what he thought the two candidates should do. If that group was running their ads without the permission of the candidates, the candidates certainly were not stopping them. If he were a candidate, he would not allow that kind of thing to go on in his name. The third suggestion was that both of the candidates could lose the election because people had an historic opportunity to put an end to this kind of slash and burn politics by voting against the candidates that were allowing it. Tucson had a campaign finance reform law and the candidates needed to stand by it. The people who thought they could get around the law were allowing groups such as "Independent People Like You" to conduct that kind of business needed to be taught that it does not work. The voters needed to vote against it in the election next week.

Mayor Walkup asked if anyone else wished to address the council. He said he would grant Bill Katzel's requested special time.

F. City Employee Award

Bill Katzel, said his subject was an award preview for Anne Marie Medina. He said on January 24, 2003, the Mayor's Fitness Challenge was initiated with more than 900 Tucsonans weighing in at the Tucson Community Center. Ms. Medina, a city parks and recreation department employee, was one of five key people who implemented and continue to promote the Mayor's Fitness Challenge through her expertise as a fitness trainer. Anne Marie Medina was to be commended for her inspirational leadership. She was deserving of outstanding recognition for her self-

sacrificing behavior, which went above and beyond the call of duty. For the last seven months she had with her own time and resources on early Saturday mornings at different city locations, trained a group of walkers for their choice of a 10K, one half marathon or full marathon. During that time, Anne Marie inspired walkers in their training to be all they could be. Her army of fellow walkers wished her well in the up and coming December Tucson Marathon. Anne Marie's motto of, "Find something you love to do and make a job out of it," is demonstrated by her continued compassion, empathy, and solution oriented remedies in training walkers for their respective events. She was truly an extraordinary employee and human being and should be recognized accordingly for her dedication, motivation, and inspiration, which reflected exceptionally on the city of Tucson.

He invited everyone to participate in or to support the last 10K-challenge walk of this year. The event was scheduled for Sunday, November 2, 2003, at the Children's Memorial Park along the Rillito Multi Use Path. On Wednesday, November 5, 2003, at the University of Arizona Integrated Learning Center Auditorium, everyone was invited to the last in a series of the Mayor's Fitness Challenge informative seminars for the year. He said he had petitioned for time at that event to present a trophy to Anne Marie as a token of his appreciation for her diligent efforts for his event choice, the 10K.

Mayor Walkup said Ms. Medina would love the trophy. She was truly an outstanding young woman.

Mr. Katzel said they were also dedicating the 10K to the Anne Marie on Sunday, November 2, 2003.

Mayor Walkup asked if anyone else wished to address the council. There was no one.

6. CONSENT AGENDA – ITEMS A THROUGH G

Mayor Walkup announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the city clerk to read the consent agenda items by letter and title only, without objection.

A. AGREEMENT: ACCEPTANCE OF AWARD OF CONTRACT BY THE ARIZONA STATE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE TUCSON FIRE DEPARTMENT FOR CONTINUED SUPPORT OF THE TUCSON METROPOLITAN MEDICAL RESPONSE SYSTEM

- (1) Report from City Manager OCT27-03-553 CITY-WIDE
- (2) Resolution No. 19702 relating to the Fire Department; authorizing and approving, retroactive to September 30, 2003, Department of Health and Human Services ("DHHS") Contract Number 233-03-0097 ("The Contract"), in which the DHHS's Program Support Center agrees, under specified terms and conditions, to provide the Tucson Fire Department ("TFD") with \$280,000 to sustain the enhanced response capabilities of Tucson's Metropolitan Medical Response System ("MMRS"); authorizing and directing the Fire Chief to perform The Contract, and to comply with its

terms and conditions; for a period of five years from this resolution's enactment date, authorizing and directing the Fire Chief to execute and perform, and the City Clerk to attest to, any amendments to, or extensions of, The Contract that further its purpose and benefit Tucson's MMRS, and any other agreements between DHHS and TFD that are substantially similar in form and content to The Contract, including DHHS Grant Agreements for different federal fiscal years; and declaring an emergency.

- * B. INTERGOVERNMENTAL AGREEMENT: ADDENDUM #1 TO AGREEMENT WITH THE TOWN OF ORO VALLEY RELATING TO EFFLUENT AND RECLAIMED WATER
 - (1) Report from City Manager OCT27-03-554 OUTSIDE THE CITY
 - (2) Resolution No. 19703 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with the Town of Oro Valley relating to effluent and reclaimed water; and declaring an emergency.
- C. APPROVAL OF MINUTES: January 27, 2003; March 24, 2003; April 7, 2003
April 14, 2003; April 28, 2003; April 28, 2003 –
Special Meeting; June 9, 2003; and June 23,
2003
- D. RESOLUTION OF SUPPORT: FOR THE 2004 VOLUNTARY CAT IDENTIFICATION PROGRAM
 - (1) Report from City Manager OCT27-03-557 CITY-WIDE
 - (2) Resolution No. 19705 relating to a Voluntary Cat Identification Program; expressing the support of the Mayor and Council of the City of Tucson for the 2004 Voluntary Cat Identification Program; and declaring an emergency.
- ** E. FINANCE: CONTINGENCY FUND TRANSFER FOR THE TUCSON CLEAN AND BEAUTIFUL'S TUCSON FIRST RUN FUND RAISER
 - (1) Report from City Manager OCT27-03-560 CITY-WIDE
 - (2) Resolution No. 19706 relating to finance; approving and authorizing the transfer of Five Hundred Dollars (\$500.00) from the Contingency Fund to Organization 001-183-1838-268, for the Tucson First Run Fund Raiser; and declaring an emergency.
- F. INTERGOVERNMENTAL AGREEMENT: WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT FOR SUN SOUNDS EXPANDED COMMUNITY OUTREACH

* See page 11

** See page 12

- (1) Report from City Manager OCT27-03-561 CITY-WIDE
- (2) Resolution No. 19707 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement with Maricopa County Community College District for Sun Sounds Expanded Community Outreach; and declaring an emergency.

* G. ECONOMIC DEVELOPMENT: AUTHORIZATION OF THE RECERTIFICATION OF THE TUCSON AND SOUTH TUCSON ENTERPRISE ZONE

- (1) Report from City Manager OCT27-03-562 CITY-WIDE AND OUTSIDE CITY
- (2) Resolution No. 19708 relating to Economic Development; establishing an Enterprise Zone Commission; designating the boundaries of a proposed zone; authorizing the Commission and the Zone Administrator to submit an Enterprise Zone Application; and declaring an emergency.
- (3) Resolution No. 19709 relating to Economic Development; approving and authorizing execution of an Intergovernmental Agreement with Pima County, the City of South Tucson, and the towns of Marana and Sahuarita; providing for the establishment of an Enterprise Zone Commission; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member West, seconded by Council Member Ibarra, that consent agenda items A through F, with the exception of item E, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Council Member Leal said he had a question about item B.

Mayor Walkup asked for an amended motion.

The motion was amended by Council Member West, seconded by Council Member Ibarra, to pass and adopt consent agenda items A, C, D, and F, with the exception of items B and E.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: None

* Continued to November 3, 2003 at the request of staff

Consent agenda items A, C, D, and F, with the exception of items B and E, were declared passed and adopted by a roll call vote of 7 to 0.

6. CONSENT AGENDA – ITEM B (continued on page 19)

B. INTERGOVERNMENTAL AGREEMENT: ADDENDUM #1 TO AGREEMENT WITH THE TOWN OF ORO VALLEY RELATING TO EFFLUENT AND RECLAIMED WATER

Resolution No. 19703

Relating to water; authorizing and approving the execution of an Intergovernmental Agreement with the Town of Oro Valley relating to effluent and reclaimed water; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Council Member Leal said in reading the council's material he was trying to find the rate per acre-foot for the sale of the water, and had not. He asked if it was assumed that the price was whatever the city sells effluent for.

James Keene, city manager, said the director of Tucson water was not present. If there were other questions, the director might have time to get to the meeting.

Council Member Leal said he wanted to know if the water was being sold per acre-foot for the same rate it is sold to the city or anyone else, or was it a particular deal that was different and if so, why was it different.

Mayor Walkup recognized Council Member West.

Council Member West said she wanted to remind everyone that the rate was an interruptible rate. It was a lower rate than what the city usually sells effluent for because if there is not enough water it might have to be used for something else. It was not always a sure thing.

Council Member Leal said he understood that.

Council Member West said she thought the amount was stated in the material.

Council Member Leal said he saw an amount of money for a booster station. He just did not know what the difference for the acre-foot price was for interruptible. He did not know there were two different rates.

Mr. Keene said he could not give a specific answer and there was no one at the meeting who could. He did not want to venture a guess and be incorrect.

Council Member West said the information was at the top of page 2 of 2, "The interruptible rate is now priced at \$276 per acre-foot and covers system operating expenses only." In other words, it does not cover the cost of the pipeline; it is only for the

water. She reiterated that that is the interruptible rate. If for some reason the city cannot deliver, Oro Valley would have to go back to another water supply.

Council Member Leal asked if the city had this relationship with anyone else.

Mr. Keene said he did not know.

Council Member Leal said he had not heard of it before.

Council Member Ibarra suggested the item be continued until water staff could be present to answer questions.

Council Member West said one other point was that the effluent is Oro Valley's. It is not the city's. That was another reason for the lower rate. The effluent actually belonged to Oro Valley. This was an agreement that the city reached after considerable negotiation last year.

Council Member Leal said he remembered that, he just wanted to understand if what the city was charging in the subject agreement squared with what it cost. He knew the effluent was Oro Valley's, but he wanted to make sure there was no subsidy on the part of the city through the rate.

James Keene, city manager, suggested the item be held over to the end of the meeting to give the water department director or a staff member time to get to the meeting to answer the questions rather than putting the item on another agenda.

Council Member Leal said he was asking if the charge was a full cost recovery, including the indirect costs, not just the direct cost, separate from the value of the water, which was theirs and not Tucson's. He just wanted to make sure that that number represented the full cost.

Mayor Walkup said staff would get that information.

6. CONSENT AGENDA – ITEM E

E. FINANCE: CONTINGENCY FUND TRANSFER FOR THE TUCSON CLEAN AND BEAUTIFUL'S TUCSON FIRST RUN FUND RAISER

Resolution No. 19706

Relating to finance; approving and authorizing the transfer of Five Hundred Dollars (\$500.00) from the Contingency Fund to Organization 001-183-1838-268, for the Tucson First Run Fund Raiser; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Council Member West said she wanted to include a contingency fund transfer of \$200 for the Tucson Clean and Beautiful Tucson First Run fundraising event. She thought the event was a good one. It was a family event to be held on December 31, and she wanted to contribute.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Dunbar, seconded by Council Member West, to pass and adopt resolution no. 19706 with the amendment, making the transfer a total of \$700.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members barra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: None

Resolution no. 19706 was declared passed and adopted by a roll call vote of 7 to 0.

7. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication number 555, dated October 27, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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|---|---|
| (1) 7-ELEVEN STORE #13048E
5457 E. Pima Street
Applicant: Manju Mittal
City #073-03, located in Ward 6
Series 10
Action must be taken by: November 1, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) TACO BRON
6910 E. Tanque Verde Road
Applicant: Denise M. Palomares
City #074-03, located in Ward 2
Series 12
Action must be taken by: November 6, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (3) BONSAI
3305 N. Swan Road #111
Applicant: James J. Kim
City #072-03, located in Ward 2
Series 12
Action must be taken by: November 3, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

(4)	SZECHUAN RESTAURANT 8898 E. Tanque Verde Road Applicant: Park P. Pang City #075-03, located in Ward 2 Series 12 Action must be taken by: November 7, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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(5)	SUSHI WORLD 1800 E. Ft. Lowell Road #116 Applicant: Hui S. Clark City #076-03, located in Ward 3 Series 12 Action must be taken by: November 7, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Person Transfer

*	(6)	SANTA FE BAR & GRILL 7130 S. Nogales Hwy. Applicant: Manuel A. Simo City #069-03, located in Ward 1 Series 6 Action must be taken by: October 31, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Location Transfer

(7)	ENOTECA PIZZERIA WINE BAR 58 W. Congress Street Applicant: Fiore C. Iannacone City #071-03, located in Ward 1 Series 7 Action must be taken by November 2, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Person/Location Transfer(s)

**	(8)	WESTERN OPRYHOUSE 1102 W. Grant Road Applicant: Luke Cusack City #070-03, located in Ward 3 Series 6 Action must be taken by: November 1, 2003	<u>Staff Recommendation</u> Police: DENIED DSD: DENIED Bus. License: In Compliance
	(9)	HA LONG BAY RESTAURANT 6304 E. Broadway Applicant: Trieu P. Nguyen City #077-03, located in Ward 6 Series 7 Action must be taken by: November 9, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: Review in process

* See page 16

** Withdrawn by applicant

Special Event(s)

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| (1) | SALPOINTE CATHOLIC HIGH SCHOOL
1545 E. Copper Street
Applicant: Margaret L. Gessner
City #T071-03, located in Ward 3
Date of Event: November 1, 2003
(Sports Hall of Fame Induction Banquet)
Public opinion: Protests filed | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) | TUCSON COMMUNITY SCHOOL, INC.
3201 E. Presidio Road
Applicant: Catherine L. Mahoney
City #T094-03, located in Ward 3
Date of Event: October 25, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) | TUCSON FIREFIGHTERS LOCAL 479
160 W. Alameda, El Presidio Park
Applicant: Gerry R. Bowlin
City #T097-03, located in Ward 1
Date of Event: October 24, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (4) | TUCSON MEDICAL CENTER
FOUNDATION
3645 W. Starr Pass Blvd.
Applicant: Colleen H. Cullison
City #T102-03, located in Ward 1
Date of Event: October 24, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (5) | LEAGUE OF MEXICAN
AMERICAN WOMEN
900 S. Randolph, Reid Park Bandshell
Applicant: Frances Lobado-Rodriguez
City #T095-03, located in Ward 6 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec: In Compliance |
| (6) | RIALTO FOUNDATION
318 E. Congress Street
Applicant: Jeb Schoonover
City #T096-03, located in Ward 6 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

Kathleen S. Detrick, city clerk, advised that liquor license application 7b(6), Santa Fe Bar and Grill, had received protests and should be considered separately. Application 7b(8), Western Opryhouse has been withdrawn by the applicant; and application 7c(1), Salpointe Catholic High School, had also received a protest and should be considered separately.

*See page 19

It was moved by Vice Mayor Scott, seconded by Council Member Ibarra, and carried unanimously by a voice vote of 7 to 0, to forward liquor license applications for 7b(1) 7-Eleven Store #13048E, 7b(2) Taco Bron, 7b(3) Bonsai, 7b(4) Szechuan Restaurant, 7b(5) Sushi World; Location Transfers 7b(7) Enoteca Pizzeria Wine Bar; 7b(9) Ha Long Bay Restaurant; and Special Events 7c(2) Tucson Community School, Inc., 7c(3) Tucson Firefighters Local 479, 7c(4) Tucson Medical Center Foundation, 7c(5) League of Mexican American Women, and 7c(6) Rialto Foundation, to the state department of liquor licenses and control with a recommendation of approval.

7. LIQUOR LICENSE APPLICATION – (b)(6)

Person Transfer

(6)	SANTA FE BAR & GRILL 7130 S. Nogales Hwy. Applicant: Manuel A. Simo City #069-03, located in Ward 1 Series 6 Action must be taken by: October 31, 2003 Public opinion: protest filed	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Kathleen S. Detrick, city clerk, announced that the staff recommendation was for approval, however, a protest had been filed. The location is in ward one.

Council Member Ibarra asked if the applicant was present and if so, could he address the council.

Manuel Simo, Mesa, Arizona, applicant, said it was an honor to be able to speak before the council. He said he is also aware of the concerns of the citizens regarding the establishment he is acquiring. He wanted to say beforehand that the citizens' concern, is also his concern. Mr. Simo said he is a naturalized citizen and a decorated Vietnam Veteran. He is a graduate of Arizona State University and has been program director of a couple of radio stations in Arizona. If the neighborhood in which he is trying to obtain a license is concerned about the license, it is his concern as well.

Mr. Simo noted that he is a father and grandfather. Therefore, the neighborhood shouldn't be concerned about how he will operate his business. He said one of his main concerns is to make the neighborhood safe for his family too.

Council Member Ibarra said this particular license is in a location in which there has been trouble in the past. It has been a nucleus for negative activity. He understood why the Elvira Neighborhood is concerned. He said he had not been able to meet with the applicant. What he wanted to do is continue the item for two weeks and meet with the applicant as well as the neighborhood, so they could find an amicable resolution.

Ms. Detrick pointed out the license had a deadline of October 31, so this is the last meeting in which this item can be considered.

Mr. Simo said he has done everything that has been required of him in order to achieve this business opportunity. He hired someone to take care of the location and he would be glad to address the neighborhood association's concerns. He assured them that the history of the location has nothing to do with him.

Council Member Ibarra said he would have to side with the neighborhood.

It was moved by Council Member Ibarra, seconded by Council Member West, that in liquor license 7b(6), Santa Fe Bar and Grill, staff forward a recommendation of denial to the state liquor board, with respect to the applicant's capability, qualifications, and reliability; also, taking into account the neighborhood association's request for a recommendation of denial.

Mayor Walkup asked if there was any discussion.

Council Member Ronstadt said the only point the council can base its denial on is if they believe that the applicant is not capable, qualified, or reliable. He wondered what evidence was offered to substantiate that.

Mr. Simo reiterated that he is a graduate of Arizona State University.

Council Member Ronstadt interjected that the question was not directed to Mr. Simo, but to staff or the council member who made the motion. State law is very specific about the reason a mayor and council can or cannot deny or approve a license. On a person to person transfer the council can only consider the applicant's capability, qualifications, or reliability. So, he was just wondering what basis the recommendation was going to go on, with respect to those criteria.

Council Member Ibarra understood what Council Member Ronstadt was saying. He does not know Mr. Simo. Mr. Simo never made any attempt to contact his office, the mayor's office, or the neighborhood association. He does not know if Mr. Simo is capable. He was just acting on what he has seen in terms of Mr. Simo not making any contact with anyone around him. Council Member Ibarra noted that was why he questioned Mr. Simo's capability, qualifications, and reliability. Mr. Simo did not take the initiative to make contact with the mayor and council or the neighborhood. That is why he is recommending denial.

Council Member Ronstadt explained that he bases his decision on the recommendation by the police department. The police department states that this applicant is in compliance. Title four indicates that the mayor and council can only base their opinion on whether or not the applicant is capable, qualified, or reliable. The police department states the applicant is in compliance. That is what he will base his decision on.

Council Member Dunbar noted that she didn't have a copy of the protest that's been filed. She asked if there was a copy.

Ms. Detrick noted that the protest was received on October 6, from the Elvira Neighborhood Association, which she distributed.

Mayor Walkup asked if there was anyone who wished to speak in opposition to the request.

Council Member Ibarra asked if anyone from the Elvira Neighborhood was present and hearing no one, continued that the question of the basis for the application had been

asked. He said a few years ago, there was a situation with the subject location/bar in the Elvira Neighborhood. The police department informed the council that there was significant negative activity taking place; such as underage drinking, partying after hours, liquor being sold outside at the back door, and cocaine being used inside the bathrooms. The council made a commitment to the owner at that time that they were going to work with him on those issues, as long as he found a way to clean the business up. That has not occurred. So transferring the license from one person to another, is not what Council Member Ibarra or the neighborhood considers something that they could work with.

Council Member Ibarra thought if the council forwarded a recommendation of denial, they showed support for the neighborhood, and the state can make its own decision. In the meantime, Mr. Simo should contact the neighborhood and try to work something out by the time he goes before the state liquor board. If he does work something out with the neighborhood, the council can also get in contact with the state liquor board. Right now, he thought the council needs to err on the side of the neighborhood. Council Member Ibarra thought Mr. Simo needs to do his homework and meet with the neighborhood, as well as his council office. Maybe it would be a different issue when it goes before the state board.

Mr. Simo noted that he tried to reach Council Member Ibarra's office and left his number. He thought the point that needs to be taken into account is that the council doesn't know him, nor does he know the council. He didn't want to be argumentative. The point is that the lack of responsibilities of the previous ownership, has no bearing on his ability. He reiterated that the neighborhood's concern is also his, because he is a parent and a grandfather, and he works with prevention. The previous history of the location should have no bearing on his application. He should be allowed to explain his issues and establish a place of business. He said everyone was following their dream.

Mayor Walkup interjected that Council Member Ibarra had offered some very enlightening recommendations. He called for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, and Leal; Vice Mayor Scott and Mayor Walkup

Nay: Council Members Dunbar and Ronstadt

Absent/Excused: None

Council Member Dunbar explained that she voted nay because, as Council Member Ronstadt pointed out, the council could only turn the application down if there was proof against the applicant's capability, qualifications, and reliability. The letter from the Elvira Neighborhood Association addresses generalities, and it does not in fact give any reason as to why the council should deny this license.

The motion that in liquor license 7b(6), Santa Fe Bar and Grill, staff forward a recommendation of denial to the state liquor board, with respect to the applicant's capability, qualifications, and reliability; also taking into account the neighborhood association's request for a recommendation of denial, was declared passed and adopted by a roll call vote of 5 to 2.

Mayor Walkup suggested that the applicant follow the instructions he had been offered. He thought the applicant had a chance to let his case be heard appropriately by the state liquor board in Phoenix.

7. LIQUOR LICENSE APPLICATION – (c)(1)

(c) Special Event(s)

- (1) SALPOINTE CATHOLIC HIGH SCHOOL Staff Recommendation
1545 E. Copper Street
Applicant: Margaret L. Gessner Police: In Compliance
City #T071-03, located in Ward 3 DSD: In Compliance
Date of Event: November 1, 2003
(Sports Hall of Fame Induction Banquet)
Public opinion: protests filed

Mayor Walkup asked the council's pleasure.

Council Member Dunbar asked if the protesters were present. There was no response. She said she believed her office had been in contact with the protesters.

It was moved by Council Member Dunbar, seconded by Council Member Ronstadt, and carried unanimously by a voice vote of 7 to 0, to forward liquor license application for 7c(1) Salpointe Catholic High School, to the state department of liquor licenses and control with a recommendation of approval.

6. CONSENT AGENDA – ITEM B (continued from page 10)

B. INTERGOVERNMENTAL AGREEMENT: ADDENDUM #1 TO AGREEMENT WITH THE TOWN OF ORO VALLEY RELATING TO EFFLUENT AND RECLAIMED WATER

Resolution No. 19703

Relating to water; authorizing and approving the execution of an Intergovernmental Agreement with the Town of Oro Valley relating to effluent and reclaimed water; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Council Member Leal said he had spoken with David Modeer, director of Tucson water, and his questions were answered. The city charges approximately \$480 for effluent, which is not a full cost recovery number. It was about 70% and he had been trying to understand how \$270 could be full cost recovery in this case. The reason for that was that the city's full cost recovery included the recovery for all of the capital expenses on the entire effluent system. The system to deliver the water to Oro Valley, the cost of that was all that needed to be brought into the recovery rate per acre-foot in this case and that was why the rate was different. Both had the same recovery rate, they were just different dollar amounts and it was not a contradiction and it was not a subsidy.

It was moved by Council Member Leal, seconded by Council Member Ibarra, that resolution no. 19703 be passed and adopted.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: None

Resolution no. 19703 was declared passed and adopted by a roll call vote of 7 to 0.

8. ZONING: (C9-03-15) PLACITA DEL RIO – I-19 AND IRVINGTON ROAD, R-1 TO R-2 AND C-1

Mayor Walkup announced that city manager's communication number 558, dated October 27, 2003, would be received into and made a part of the record. He also announced that this was a request to rezone property located on the eastside of Interstate 19, north of Irvington Road. The preliminary development plan was for apartment units in a two-story building and self-storage units with freeway signs. The zoning examiner and city manager recommended approval subject to certain standard conditions. He asked if the applicant or a representative was present and if so, were they aware of and amenable to the proposed standard conditions.

Thomas Sayler-Brown, Sayler-Brown Bolduc Architects, said they were aware of and amenable to the proposed standard conditions.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Ibarra, seconded by Council Member West, and carried unanimously by a voice vote of 7 to 0, that in zoning case C9-03-14, staff be directed to prepare an ordinance rezoning the subject property from R-1 to R-2 and C-1, subject to the standard conditions recommended by the city manager.

Council Member Ibarra thanked the applicant for working with the neighborhood. He did a good job and got the neighborhood's support because it is a good project.

9. INTERGOVERNMENTAL AGREEMENT: WITH PIMA ANIMAL CARE CENTER FOR FISCAL YEAR 2004

Mayor Walkup announced that city manager's communication number 556, dated October 27, 2003, would be received into and made a part of the record. He asked the city clerk to read resolution no. 19704 by number and title only.

Resolution No. 19704

Relating to Intergovernmental Agreements; approving and authorizing execution of Fiscal Year 2004 Intergovernmental Agreement with Pima Animal Care Center; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Dunbar, seconded by Council Member Ibarra, that resolution no. 19704 be passed and adopted.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: None

Resolution no. 19704 was declared passed and adopted by a roll call vote of 7 to 0.

10. PUBLIC HEARING: TUCSON CODE (AMENDING CHAPTER 4) RELATING TO THE LICENSE FEE FOR UNALTERED DOGS

Mayor Walkup announced that city manager's communication number 559, dated October 27, 2003, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing on the license fee for unaltered dogs. This was the first of two public hearings on this issue. The public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations. He said he had received a number of cards and called on the first speaker.

Elezabeth Cameron, said she would submit a proposal to the council. The proposal needed to be evaluated. She had brought proposals to the council over the past four and a half years. It was not Council Member Dunbar's suggestion that the ordinance be reversed. The proposal had been brought to the council for four years in attempts to have it put on an agenda. The issues are that the fees and fines of the Pima Animal Control Center are not enough to enforce the laws. Since most of the center's energy was going into city issues with animals, the city should be responsible for increasing the funds. The city's health depends on it. The problem was the city had no money and the Pima Animal Control Center did not have enough officers on the road to do the work it needed to do because of a lack of funds. If everyone could afford to obey the law and license and vaccinate their animals, they would. The fact was history shows that is true, but when the fees went up to \$75 people quit. The first suggestion would be to temporarily allow vaccinations without a paper trail to the animal control center. That way people would at least get their animals vaccinated. The second was that the ordinance

had failed and people were promised that if it did fail the original ordinance would go into effect, not be reduced to \$40. People would not pay \$40 anymore than they would pay \$75. For the health of the community and to encourage compliance with the economy, the original ordinance allows it and a history of previous registration proved it.

As with the handicapped parking, as a model, not Portland, Oregon, the increase for fines and violations would be a successful way to enforce the ordinance, but this will only work if the city develops a spay/neuter program for the community. Her group submitted one in 1998 and it was still valid. The hypothesis was that if the city made licensing within the economic boundaries of mid level residents more people would be able to afford licensing. Since licensing requires vaccinations, it would improve the issues of rabies in the city and therefore the health. If spay/neuter was made affordable and not only through the Humane Society or high priced veterinarians, more people would alter their animals. Some people were afraid to take the older dogs to the Humane Society to be altered because of their health, so a third fee for registration of unaltered animals over more than ten years old should be added. Two different types of voluntary registration of cats could be initiated with no rejection from cat owners, as it would be voluntary. She suggested charging three dollars for an unaltered cat, two for an altered cat, and if a person wanted a tag it would cost a dollar. City residents would add a dollar for the city animal tax. That money would be dedicated toward animal control officers. One dollar could be added to all county animals, to the dog fees, that live in the city and would be dedicated toward animal control officers.

If she learned anything from Sam Walton it was that a little money adds up to a lot and more people will pay for a low cost item than the few who will pay for the high priced item. After years of not paying for vaccinating animals an incentive had to be given for why they should pay. Threats mean nothing since animal control rarely answers calls and only a few people were being charged and fined. They did not have enough officers to do the job. She said the city should lower the cost, add the incentive, and hire more officers to issue citations. The number of loose animals would be reduced. There were breeds of dogs that are considered nuisances or dangerous, such as rottweiler, pit bull, Doberman pincher, chow, and wolves. She supported that and was not saying that those breeds should be restricted. However, citizens have the right to be protected from those breeds and if \$10 could be added to the city registration as opposed to one-dollar, it would make the statement that a citizen could have that particular breed, but had to pay for the privilege. An additional \$10 would be added to registration for dogs that had been cited for biting or attempted biting.

Any owner that had an unaltered animal eight months or older from the list of dangerous breeds would have to carry mandatory insurance of \$2,000, per owner, not per dog. That would protect the public from injury. Too many of those animals are currently running loose and that would encourage altering and vaccinating potentially dangerous breeds to reduce their aggressive traits. Law abiding citizens or well-trained animals would not have to pay the \$10 more than the average dog and the community would benefit from safer animals.

The problem with the fees and the fines is judges and prosecutors let people off. The fines meant nothing and Pima Animal Control was not answering calls. Judges needed to see the animal's history; they needed the rap sheet. As people start to comply with the laws the fines could be slowly increased to the point that to comply was so

simple and costs so little that it would be its own initiative. Most owners want the best for their animals and the city's handicap law proves that doing it this way works. She said she had other things that she was not going to be given the opportunity to go into although she was informed that she would be. They included adding a Tucson Animal Control Commission, addressed fees and fines that could be added without effort to the structure for animals and citations, such as if a person cannot account for their animals. She said her proposal consisted of four years of work. The nuisance animal ordinance was brought up to tie up the loophole between the current ordinances so that when people cannot account for their animals, or if habitual, three strikes and they would be out. They would not be allowed to have animals for one to five years and the animal would be removed from the property. She said she could not go through the whole proposal, she tried to submit it to the council, she took it to the city manager's office, and she would like to have someone work on it. She had been trying to make the proposal for four and a half years, not Council Member Dunbar. The disabled community is being assaulted by the animals. She said they had been going through Council Member Ibarra's office.

Mardi Hadfield, said she was one of the people whose dog was constantly attacked because she felt that she had the right to be out in the community. She needed her dog. She was losing her eyesight; it was going fast. She needed her dog and she could not afford to buy another dog. She could not qualify for a seeing eye dog because she was in a wheelchair, which meant she had to buy her own dog and have it privately trained. She could no longer train her own dog because she could not see well enough. The last attack on the dog that she retired, Lilly, was by a pit bull. She was attacked 14 times, once by a policeman's dog. Animal control never did anything and for two days the same dog tried to attack the dog she currently has. Still nothing was done. The Pima Animal Control officers never talked to the neighbors, they just kept telling her that no pit bull lived where she told them and it could not possibly jump the fence. Ms. Hadfield said it did jump the fence, it did bite her dog, and it jumped back over the fence. It was not licensed and it was not vaccinated. The city has a rabies problem and what will happen if one dog bites another dog that is not vaccinated? They will have rabies and then those dogs bite children. There will be a big problem and the problem is enforcement. Nobody enforces the law.

She was tired of having her dogs attacked and Pima Animal Control came to her house and gave her a citation because she had two shelties that were not licensed. She had already sent for their licenses, but animal control had not received the application, they had not yet opened the envelope. She said Pima Animal Control did not go to anyone else's house and cite them for unlicensed or unvaccinated dogs. They went to her house and cited her because someone said they saw her beating her dog. She was taken to court where the charges were dropped because they did not see any signs of abuse on her dog. Ms. Hadfield said if she calls animal control about someone else beating their dog they do not do anything about it. She obeys the law and she was sick and tired of having them come after her. Maybe if they did not watch her all the time they could get the people who were not obeying the law. She said it takes enforcement and it does not matter what the license fee is. People were not going to license their dogs if they do not want to. She has always had her dogs licensed and vaccinated and if she could do it on a fixed income, she did not see why everyone else could not also.

Nancy Emptage, no address given, said she was currently a member of the Pima Animal Care Center Advisory Committee, and she respected the efforts Ms. Cameron had made with her proposal. That proposal was brought to the committee and the committee voted unanimously not to explore it further as they felt the city, county, and state ordinances were sufficient to handle dangerous or nuisance animals. The committee had also explored the issue of licensing animals; they were in favor of the change in the fee and would like the county to come into compliance with the city. That would help generate sufficient funds for enforcement. She said money was always an issue. In addition to the animal fees for licensing, Dr. Silva or staff had proposed enforcement or impoundment fees that the committee would like the city and county to meet to help generate she thought approximately \$200,000 in revenue to offset the \$75 reduction. She asked for the council's support if the county did match the \$40 fee and said there were other issues regarding animals over ten years of age as well as animals that were altered and for the elderly.

Lisa DeLong, no address given, said on July 4, 1999, she was the first victim of the new \$75 dollar fee. She called the police department, an officer showed up and told her it was not his job, he was a police officer. She called animal control and it took them nearly a month to show up and even discuss what happened on July 4, 1999. She had been before the mayor and council with other citizens from the disabled community more than 100 times and continually brought this issue up. She was not present to talk about herself. She was present because it did not matter what the fee was. She lost her first seeing eye dog and was about to lose the second one because the city had a \$75 fee and no matter what it was, people were not going to pay.

She said someone lived right next door to her who had an unlicensed, unvaccinated animal. She called animal control a week ago, when the attack happened, and it took them a week to show up. All she got was unlicensed, unvaccinated, she did not get anything else. She did not get the charges for the bite. It took nearly four years for the person who was responsible for the July 4, 1999 incident because the courts did not know what the rules are, the prosecutors do not care and they actually threw most of the paperwork that she provided in the garbage. They did not care that it involved a service dog. They also asked her what is a service dog.

She called Pima Animal Control earlier and asked them if they would return because she wanted the bite charge, but she was told that a dog biting a dog is not important. She said it was not just a dog, it was her eyes and her dog was worth \$35,000. She was still waiting for compensation for the first dog. She did not get anything out of the July 4th, incident. City court got \$80 for leash violation. There were two unlicensed, unvaccinated, unaltered dogs in a neighborhood that were running amuck and still were. The dog that was just put down was involved with the same people. The Pima Animal Control Center was not doing its job and she had even suggested that they should freeze the city out and let the city deal with its own little problem because the city did not seem to care about the crises with animals running amuck that are unlicensed, unvaccinated and unaltered. It did not matter. It came down to enforcement and education as to what a service animal is and the other law applies.

Kay Aubrey-Chimene, said she was past chairman of the Pima Animal Care Center Advisory Committee, but was no longer involved with it,

although she had been active in the dog issue for many years and worked on animals for a living. She commiserated with previous speakers, especially regarding the lack of funding. It was very hard for animal control to do more than they were currently doing without the additional funding. She was absolutely in support of reducing the \$75 licensing fee to a level more commiserate with the per capita income within Pima County and Tucson. She was a long-term member of Tucson Kennel Club and the club asked the council to reduce the fee. They would like to see the county match that also for funding support for animal control. They understood that the city pays animal control on a contract level and they would like to see that level go up to support more enforcement, more officers, better trucks and more ability to enforce the laws that are on the books.

Pat Hubbard, said she wanted to read a letter that she had distributed to the council into the record. "As the assistant executive director of the Humane Society of Southern Arizona, a member of the Pima Animal Care Advisory Committee, and president of AWOSA, the Animal Welfare Organization of Southern Arizona, organizations whose combined membership represents over 80,000 people in our community, I am writing to express support of the standardized dog licensing fee within Pima County and the city of Tucson. Your consideration for changing the licensing differential from \$75 to \$40 for dogs that are not spayed or neutered is very much appreciated. This is an important step in creating equality on the issue for dog owners in both Tucson and Pima County. As you know, when the city enacted the differential in 1999 it had two major goals, to promote spaying and neutering as the most effective means to combat the over population and euthanasia problem in the community, to provide Pima Animal Care Center with the tools to help enforce the licensing of dogs. Now, five years later this community has enjoyed a remarkable 35 percent increase in spaying and neutering. Even as Tucson's population continues to grow the euthanasia rate at our two major shelters, PAC and the Humane Society have remained relatively stable indicating that these measures are working as intended and fewer dogs are being killed in our shelters for lack of homes. In addition, a tremendous number of innovative and successful programs are now in place to help encourage spaying and neutering. Low cost or no cost options are regularly available through the Humane Society, OWASA, the Southern Arizona Veterinary Medical Association's Good Sam Program, Animal Crusaders, People for Animals, as well as through private clinics such as the Animal Birth Control Clinic. Financial assistance is available upon request through all of these sources, not only for individuals already benefiting from the public programs but for anyone who wants to have this lifesaving surgery performed on their pets, but is simply lacking the funds to do so. As another step toward building on this success, OWASA is currently working on the creation of a free transportation program to pet owners who would otherwise have difficulty getting their pets to a clinic. They will now have required transportation. Each of these successes is a result of tremendous cooperation between local non-profit agencies, our local government officials, animal control, and veterinarians from around the community.

Unfortunately, the successive licensing differential has been tempered by the unwillingness of the county to join the city in the past and raise their license fee for unaltered animals. It is true that some pet owners refuse to license their dogs at all thereby avoiding any fee and placing the community at risk of disease transmission and other health and safety concerns. Pima Animal Care Center desperately needs the resources to enforce licensing in this county. We believe it is imperative that a single fee be created for both the city and the county and that it is essential that we make it a

priority to educate the public on the important benefits that spay/neuter and licensing bring to this community. The Humane Society of Southern Arizona joins OWASA in encouraging the county board of supervisors to increase their license fee for dogs that are not spayed or neutered to \$40 dollars. At that time we also encourage the city council to lower their city license fee for unaltered dogs to forty dollars, however, if the county does not raise their fee we would ask that the city maintain the \$75 dollar license fee for unaltered animals and the eight dollar license fee for altered animals and to retain the built in options for individual dogs that veterinarians feel cannot undergo surgery due to age or medical conditions. After years of work and research on this topic, our organizations know that licensing differentials do work. This proposed new fee schedule was adopted by the Pima Animal Care Center Advisory Committee, which is comprised of a diverse and appropriate members of our community representing the disabled community, animal welfare groups, law enforcement personnel, Pima County Board of Health, Tucson Kennel Club, and Southern Arizona Veterinary Medical Association. We humbly remind you that the objective of a license fee differential is to provide an incentive for pet owners to spay or neuter their dogs and the licensing fee of \$8 dollars for altered animals is what created that incentive. We believe that far too much energy is being focused on the unaltered fee, a fee that will ultimately be a moot point of responsible pet owners who take advantage of the long range savings they will enjoy by spaying and neutering their pets. Please also remember that the owners of unaltered animals are the ones ultimately contributing to the animal overpopulation and problem. I sincerely thank you for your time and consideration."

Mayor Walkup asked if anyone else wished to address the council.

Jane Schwerin, said she represented People for Animals and Prevention of Cruelty and Neglect, Inc., and she was also a member of the Pima Animal Care Advisory Committee, but did not represent them by her comments at this meeting. She had not presented the suggestion she was going to make to the committee. City code, section 4-82.1 contained the provision that any dog that is at least 10 years of age may be licensed for the altered dog fee. She believed that should be changed, it should be repealed. Just because a dog is 10 years old did not mean that it should be licensed for the altered dog fee. It should be licensed for the altered dog fee only if it is altered. If it is unaltered, the owner should be required to pay the regular fee. That could be taken care of by simply crossing out some words. In section 4-82.1 all that would be necessary was to cross out the words, "... that the dog is at least 10 years of age." If those words were crossed out it would repeal that provision and an owner who had a dog 10 years of age that was unaltered would have to pay the regular fee, which is only fair because as everyone knows, dogs ten years of age can still breed.

Mayor Walkup asked if anyone else wished to address the council.

Beryl Baker, said she agreed with half of what had been said and half she did not. She thought the fees should be lowered. She had purebred dogs for 30 years and she had five planned litters during that time. She felt that as a responsible owner she was being persecuted for the fact that she licensed her dogs and paid the fees. A responsible owner would not breed dogs that are 10 years of age. A lot of the problems that the city is experiencing with dogs was because of people who do not register their dogs, do not license them or give them vaccinations. The responsible dog owners do not cause the problems, but they are people that the fees affect. It appeared to her that the education

on low cost altering was having an affect on decreasing the number of dogs and increasing the dogs that were licensed. Recently, since some of those fees had changed she had noticed more dogs in her area. She knew a lot of people who leave their dogs loose and did not license them. She thought the cost of adopting a dog from the Pima Animal Control Center has caused a lot of dog owners to give their dogs up because people will not pay to get them out. Either they do not have the money or a lot of people will not admit the dog is there when it is caught because they do not want to pay the fees. She thought there should be another way to teach people to be responsible than just catching the people who are responsible and do take care of their dogs.

She did have a problem with cats in her area, but she was concerned about the voluntary program because she thought that was the first step to identifying and putting licenses on cats and trying to license cats is going to be really difficult. It will be difficult to enforce. She was not saying that it was not necessary, cats kill millions of wildlife, and they should be controlled. She would like to see the council come up with something that would solve the problems responsibly and not hurt the people who are responsible. Something that would help educate the people who need to be educated and help change that portion of society and how they treat their dogs, handle them and care for them. She would like to see the council come up with something that would help that issue and she would like to see the fees lowered. She was concerned about the county raising its fees because it would make a lot of people not register their dogs. It would be really hard to enforce out in the county.

Mayor Walkup asked if anyone else wished to address the council. There was no one. He asked the council's pleasure.

It was moved by Council Member Dunbar, seconded by Council Member West, and carried unanimously by a voice vote of 7 to 0 to continue the public hearing.

Kathleen S. Detrick, city clerk, asked if the motion was to continue the public hearing as noticed on the agenda to November 10, 2003.

Council Member Dunbar asked if that could be changed to December.

Ms. Detrick asked if she had a date certain, or did she want the agenda committee to consider one.

Council Member Leal suggested December 8, 2003.

Council Member Dunbar agreed.

Ms. Detrick said staff would notice the item and advise the public that the public hearing would be continued to December 8, 2003.

Council Member Dunbar said she wanted to qualify a few statements that had been made at the public hearing. She called on Dr. Silva, director of the Pima Animal Care Center, saying the council had heard some statements, one of them published in Ms. Cameron's proposal, that said most of the energy is going into city issues with animals and that the city should be responsible and pay the county for that work. She asked if the city was paying the county.

Dr. Silva said the cost of animal care is divided amongst all of the jurisdictions, that Pima Animal Care provides services to based on the amount of service that is provided to each jurisdiction.

Council Member Dunbar noted that the proposal also stated that the fees for fines go to the Humane Society. She asked Dr. Silva to clarify that.

Dr. Silva said all of the fees and fines generated by animal care go to offset the cost of the operation.

Council Member Dunbar noted that Ms. Cameron believed the paper trail regarding rabies vaccinations should be eliminated. She asked him to comment on that.

Dr. Silva said the fact is that Arizona Revised Statutes 11-1010 establishes that a paper trail must be made of every dog vaccination by the enforcement agent, so that record could not be done away with.

Council Member Dunbar said there had also been allegations regarding the community's health. She asked how many rabies cases there had been in Pima County during the last five years.

Dr. Silva said in the past five years the city has had one dog rabies case in all of Pima County and that came from outside of Pima County.

Council Member Dunbar asked if there had been any threat to the community.

Dr. Silva said health officials and animal care handled the case.

Council Member Dunbar said no one was infected, the dog did not bite anyone, and there were no injuries to humans or other animals.

Dr. Silva said he agreed.

Council Member Dunbar noted that a statement was made that certain breeds of dogs are more dangerous and several people want exceptions placed on individuals who own rottweilers, pit bulls, Doberman pinchers, chows, and wolf breeds.

Dr. Silva said the Center for Disease Control, the American Humane Association, the National Association of Animal Control and the Human Society of the United States, all experienced agencies nationwide, and many other animal care and control professionals recommend against any breed specific legislation as it would target not only those people who are irresponsible, but also those who have the breeds who are good pet owners and good citizens. The city of Tucson has comprehensive laws regarding vicious, destructive and dangerous animals and those laws are very enforceable and are used by the Animal Care Center to address issues of aggressiveness.

Council Member Dunbar noted that several statements were made regarding dogs running loose and attacking individuals. Statements were made that the center was not fulfilling its responsibilities. She asked how many inquiries the center gets daily for dogs running at large. Is it a huge problem and is it an issue where there is not enough funding to correct the problem.

Dr. Silva said the reality was that the Pima Animal Care Center had lost the ability to efficiently enforce the leash law over the last few years based on no corresponding increase in staff to the growth of the population. The center had lost all of its efficiency to address loose dogs, however, for this fiscal year, as of period three, they had responded to 2,273 leash law complaints in the city of Tucson. Their total field service calls for the city had been 6,418. They continue to respond, but they prioritize and they respond to those calls that are a threat to public health and safety. Others they let go until they are able to respond.

Mayor Walkup asked if there were any other comments. There were none.

11. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mayor Walkup announced that city manager's communication number 550, dated October 27, 2003, would be received into and made a part of the record. He asked the council's pleasure.

It was moved by Council Member Leal, seconded by Vice Mayor Scott, and carried unanimously by a voice vote of 7 to 0, to appoint Joyce Morgan to the Tucson Pima County Commission on Addiction, Treatment and Prevention; Jay St. John, Rich Carranza, David Barker, and Sister Rosa Maria Ruiz to the Metropolitan Education Commission; and Barry Arcala to the Veteran's Affairs Commission.

Council Member Dunbar announced her personal appointment of Annette Campbell to the Tucson-Pima County Historical Commission.

12. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the audience was allowed to address the mayor and council on any issue. Speakers would be limited to three-minute presentations. He asked if anyone wished to address the council.

A. Dangerous Animals

Elezabeth Cameron, said she wanted to talk about the failure to protect and some of the things that had been said. Two weeks ago her four-year-old son was chased and she was chased by a rottweiler and a neighbor. That animal still had not been taken care of. That is what she lives with on a day to day basis. She has a neighbor who killed his dog in the same way he killed her service dog two years ago. He has never been prosecuted and when she called the police and told them that the man was in her backyard they asked if someone else saw him besides her. He was in her yard again last night and threatened her this afternoon. She asked why the Tucson Police Department could not do something about owners who have vicious animals and who have used the animals to attack people or who did not care. They just put them back in the yard, like the rottweiler across the street and like Mr. Comstock's pit bull, that attacked Ms. DeLong. They could not account for that dog or nine other pit bulls that they had owned in the four years since.

The issues that have been brought to the council, that she and others have raised, have to include the police department. The police department has to recognize a disabled

person when they say someone is coming after them. The disabled person cannot do anything about it. She asked how fast do they move, how fast does the council move? Can they quickly turn a corner and get in a house? She could not. She was at the mercy of those people and a lot of them go to court and say they do not know where their dog is. They have let it loose to run amuck and breed and now it is coming after the disabled in their front yards, their backyards, killing their cats, chasing their children. It is really bad when they cannot call the police department and get them to do something about it. They say it is an animal control issue and animal control says they cannot go because they have 200 calls and someone had a fight, but this one drew blood. There needed to be some kind of connection between the police department and animal control, not just the police department or just animal control. She was waiting. She said it would be three weeks on Saturday.

B. Landlord Responsibilities – Old Tucson Police Academy/Border Patrol Facilities, Silverbell & Goret Road

Bill Katzel, said for the last several weeks he had noticed a wildcat dump developing at an exponential rate along the Silverbell right-of-way in front of the border patrol facility. That started as an authorized Christmas tree drop-off point. The last tree pick up was not accomplished and that empowered irresponsible citizens to continue to illegally dump on the remaining Christmas trees. Today, he petitioned the department of transportation to take care of the problem. After contacting the appropriate streets department supervisor at the department of transportation headquarters he was assured that the problem would be taken care of post haste. To reenforce the issue he paid a call on the border patrol facility. He was appalled by the condition of the facility. Since the border patrol station was moved to Davis Monthan the three border patrol divisions that back filled the station vacancy have been treated as a step child in terms of safety and maintenance issues by the city as the border patrol's landlord. He said the city should live up to its responsibilities under landlord/tenant responsibilities. The city requires that through ordinances for private landlord/tenant relationships, but holds itself to less a standard.

Mayor Walkup asked if there anyone else wished to comment. There was no one.

13. ADJOURNMENT: 9:17 p.m.

Mayor Walkup announced that the next regularly scheduled meeting of the Mayor and Council would be held on Monday, November 3, 2003, at 2:00 p.m. in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona held on the 27th day of October, 2003, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:DD:mjv
P r agnst tp:lr